



WASHINGTON STATE REPUBLICAN PARTY

April 11, 2006

MUR # 5739

Lawrence H. Norton
General Counsel
Federal Election Commission
999 "F" Street, NW
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
" 2006 MAY -2 A 8:48

Re: Complaint Against Darcy Burner for Congress

Dear Mr. Norton:

Enclosed for your review is a complaint against Darcy Burner for Congress, the principal campaign committee for Darcy Burner, a candidate for the U.S. House of Representatives in Washington's Eighth Congressional District. This complaint concerns what appears to be significant failures to report disbursements and/or in-kind contributions, and receipt of excessive contributions, including possible "soft money" corporate contributions. The Commission has historically taken a dim view of the use of non-federal funds or corporate resources in Federal elections. See MUR 5020 (Respondent Gormley for Senate Primary Election Fund, et. al., total civil penalty of \$115,000) and MUR 5573 (Respondent Westar Energy, Inc., et. al., total civil penalty of \$40,500).

As the Commission well knows, federal law prohibits corporate contributions to candidates running for Congress. 2 U.S.C. § 441(b) and 11 CFR § 114.2. Federal regulations also directly prohibit in-kind contributions from corporations to candidates for Congress. 11 CFR §114.2(c).

Specifically, in question is a campaign event, the production of a campaign video, and the reproduction and distribution of a campaign video, all seemingly provided to Darcy Burner for Congress free of charge by the political action committee, Eastside Democracy for America ("Eastside DFA"). The Eastside DFA is a local spin-off of Democracy for America, the national PAC created by Howard Dean during the 2004 Democratic

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Presidential primaries. It is unclear exactly what type of entity Eastside DFA is because we have been unable to locate any disclosure or tax forms on either the state or federal level under that name.

On October 10, 2005, Eastside DFA hosted a campaign event for Darcy Burner, in which she spoke to potential voters and introduced herself as a Democrat candidate for Washington's Eighth District. The event took place at the Northwest Arts Center in Bellevue, Washington, a parks and community facility that can be rented out for various events for over one-hundred dollars an hour, not including any possible catering costs.

Eastside DFA videotaped Burner's campaign presentation in order to, according to the invitation, "reach a wider audience, and help Darcy's campaign." See Exhibit A.

Exhibit A also illustrates that there appears to be a link between Eastside DFA and Darcy Burner. The invitation to the event is posted on the Democracy for Washington website. According to the records of Washington's Public Disclosure Commission, Democracy for Washington is a state political committee which has never filed any reports of its expenditures or contributions. See Exhibit E. Washington political committees may raise funds from sources prohibited under federal law.

Judging by the advanced camera work, it seems like it was professionally done. Shortly following the campaign event, Eastside DFA posted a professionally edited Version of Burner's presentation on its website (www.democracyforwashington.com). The end credits of the video provide Darcy Burner's campaign web address and a disclaimer explaining that the video "was produced as part of a grassroots program of Eastside Democracy for America." See Exhibit B. Burner proceeded to post the video directly on her own campaign website with the heading, "Eastside Democracy for America Video." See Exhibit C. Furthermore, in a March 4, 2006 e-mail from Andrew Tsao, co-organizer of Eastside DFA, to its members, Tsao takes credit for Eastside's production of Burner's campaign video and says that Burner's campaign "delivered 30 videos to LD's and precincts throughout the 8th Congressional District." See Exhibit D. No mention is ever made as to who paid for the reproduction of these videos.

The aforementioned warrants a full investigation by the Commission, as the actions of Darcy Burner raise the following issues:

- What is Eastside DFA? Are they a federal PAC that has ignored mandatory disclosure with the Commission? Or, are they a shadowy 527 group that is attempting to hide the source of its funding?
- What is Darcy Burner's involvement with Eastside DFA?
- Has Darcy Burner accepted corporate in-kind contributions? Has she failed to report excessive contribution? Ordinary business practices dictate that the costs associated with producing a professionally edited campaign video would likely exceed \$5,000 which is the contribution limit for a PAC to give to a candidate committee. Furthermore Eastside DFA is not seen in any of Burner's financial disclosures with the Commission.
- Has Darcy Burner violated Commission rules regarding coordinated Communications under 11 C.F.R. § 109.21?

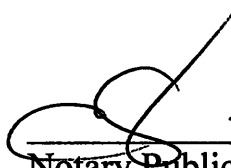
We respectfully request that the Commission investigate these issues and mandate the full disclosure of any corporate in-kind or excessive contributions. We also request that the Commission penalize the Darcy Burner for Congress Committee.

Respectfully,



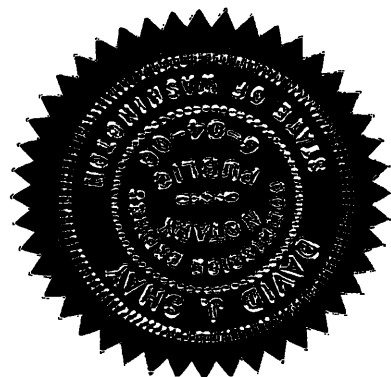
Diane Tebelius
Chairman, Washington State Republican Party

STATE OF WASHINGTON, COUNTY OF KING.
Subscribed and sworn to before me on this 24th day of April, 2006.



Notary Public IN AND FOR THE STATE OF WASHINGTON,
RESIDING IN AUBURN. MY COMMISSION EXPIRES 6.4.06.

Enclosures
cc: Darcy Burner for Congress



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EXHIBIT A

Browse Content

JavaScript Tree Menu

DFW Home

Blog

Calendar

Washington State
Election Encyclopedia

Progressive
Infrastructure

Get Involved with DFW!

Washington State
Information

Precinct Committee
Officer Handbook

Washington State Issues

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Tools

About DFW

Sources & Links

Upcoming events

- Washington Citizens for
Fair Elections Meeting on
Vote-by-Mail (5 days)
- Take this training! (20
days)
- Citizens Heath Care
Working Group (37 days)

more

Voter Registration



Support DFW

Home » Events

Eastside DFA Darcy Burner media event

Submitted by Templarist on Wed, 09/28/2005 - 7.26pm

Start:

Mon, 10/10/2005 - 6:30pm

Eastside DFA hosts Darcy Burner, Democratic candidate for the 8th CD. Meet her and talk informally with her about progressive issues.

This event is part of Eastside DFA's media work. It will be videotaped in order to help the event reach a wider audience, and help Darcy's campaign.

We will be hosting a similar event for Randy Gordon on November.

When: October 10, 2005 6:30-8:30PM

At: Northwest Arts Center
9825 NE 24th Street
Bellevue, WA 98004

Contact: Andrew Tsao at : andrtsao@mac.com

» login or register to post comments | calendar

User login

Username:

Password:

Log in

- Create new account
- Request new password

Links to DFA

Join us at DFA-Link! Help us put Washington State at the top of the rankings!!

DFA Link
What is your zipcode?

Find Linkups

D A Chat.com
Come join in the discussion!

Important Links

Become
a
Member
Today

Navigation

» Issues

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EXHIBIT B

Darcy's growing army
of grassroots supporters
raised over \$100,000
in the first hundred days
of her campaign.

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No Democrat
has ever accomplished
such a feat
in the 8th District.

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www.darcyburner.com

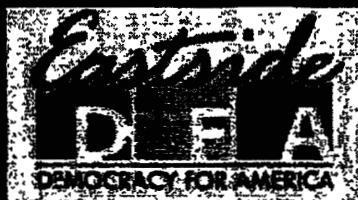
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This video was produced

as part of a grassroots program

of Eastside Democracy for America.

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© 2004 Democracy for America

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EXHIBIT C



Darcy Burner

Democrat for Congress

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[About Darcy](#)[Press Room](#)
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VIDEOS

Eastside Democracy for America Video

Quicktime required - Download

[Quicktime here.](#)



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Darcy Burner for Congress
P.O. Box 1090
Carnation, WA 98014-1090

©2005 Darcy Burner for Congress.
Paid for by Darcy Burner for Congress, P.O. Box 1090, Carnation, WA
98014

Contributions are not tax deductible for federal tax purposes.
Corporate gifts are prohibited. Gifts from foreign nationals are
prohibited.

V3C CSS ✓ V3C XHTML 1.0 ✓

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EXHIBIT D

This message was sent by your Eastside DFA organizer, Andrew Tsao.

Dear Eastside DFA member:

Today, March 4, 2006 is Democratic Party Caucus day. The Darcy Burner campaign delivered 30 videos to LD's and precincts throughout the 8th Congressional District. It represents Darcy's campaign to every Democrat attending caucuses.

The video was produced by Eastside DFA, and our logo finishes the end credits. We carried Darcy's message to the entire 8th CD today.

That's great for all DFA groups statewide, and for DFW. It shows leadership and innovation from Democracy for America groups, and lets everyone know we are making a real difference.

I want all DFA members and organizers to take credit for this work, and continue talking about how our progressive agenda is changing the Democratic Party from the grassroots up.

Congratulations to all of us.

Regards,

Andrew Tsao
Co-organizer, Eastside Democracy for America.

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EXHIBIT E



Political Committee Registration

C1PC
(C101)

DATE
JUN

Committee Name (Show only official name)

Democracy for Washington

Acronym: DFW

Telephone: (425) 831-7169

Mailing Address

P.O. Box 4814

Fax: ()

City

Seattle

County

King

Zip + 4

98194

E-mail: ray@democracyfor

NEW OR AMENDED REGISTRATION?

- ☒ NEW Complete entire form
☐ AMENDS previous report Complete entire form

COMMITTEE STATUS

- ☒ Continuing (On going, not established in anticipation of any particular campaign election)
☐ election year only Date of general or special election: (Year)

1 What is the purpose or description of the committee?

☐ Bone Fide Political Party Committee - official state or county central committee or legislative district committee. If you are not supporting the entire party ticket, list or specify here the names of the candidates you support.

☐ Ballot Committee - Initiative, Bond, Levy, Recall, etc. Name or description of ballot measure:

Ballot Number: F01

☒ Other Political Committee - PAC, caucus committee, political club, etc. If committee is related or affiliated with a business, association, union or similar entity, so name.

For single election-year only committees (not continuing committees): Is the committee supporting or opposing

(a) one or more candidates? ☐ Yes ☐ No If yes, attach a list of each candidate's name, office sought and political party affiliation.

(b) the entire ticket of a political party? ☐ Yes ☐ No If yes, identify the party.

2 Related or affiliated committees. List name, address and relationship.

☐ Continued on a

3 How much do you plan to spend during this entire election campaign, including the primary and general elections? Based on that estimate, choose one of the report below. (If your committee status is continuing, estimate spending on a calendar year basis.)

If no box is checked you are obligated to use Full Reporting. See instruction manuals for information about reports required and changing reporting of

☐ MINI REPORTING
Mini Reporting is selected. No more than \$3,500 will be raised or spent and no more than \$300 in the aggregate will be accepted from any one contributor.

☒ FULL REPORTING
Full Reporting is selected. The frequent, detailed campaign mandated by law will be filed as required.

4 Campaign Manager's or Media Contact's Name and Address

Ray Minchen 43010 SE North Bend Way #1, North Bend, WA 98045

Telephone Number

(425) 831-7161

5 Treasurer's Name and Address (List deputy treasurers on attached sheet)

☐ Continued on attached sheet

Kelley Bevens 2417 NW 59th St #303, Seattle, WA 98107

Daytime Telephone Number

(206) 604-4541

6 Committee Officers. List name, title, and address. Continue on attached sheet if necessary. See reverse for definition of "officer."

☐ Continued on a

7 Campaign Bank or Depository

Washington Mutual

Branch

Queen Anne

City

Seattle

8 Campaign books must be open to the public, except on a weekend or legal holiday, during the eight days before the election. (a) on the eighth day for two consecutive between 8 a.m. and 8 p.m.; if the eighth day is a legal holiday - two consecutive hours on the seventh day between 8 a.m. and 8 p.m.; and (b) on the other weekdays appointment between 8 a.m. and 8 p.m. Specify location and hours below. It is not acceptable to provide a post office box or an out-of-area address.

Street Address, Room Number, City

2417 NW 59th St #303, Seattle, WA

Hours (Two consecutive hours see 8(a))

11 am - 1 pm

In order to make an appointment, contact the campaign at (telephone, fax, e-mail) (206) 604-4548

9 Eligibility to Give to State Office Candidates: During the 180 days prior to making a contribution to a state office candidate, your committee must have received contributions of \$10 or more from at least ten persons registered to vote in Washington State.

☒ A check here indicates your awareness of and pledge to comply with this provision. Absence of a check mark means your committee does not qualify to give to state office candidates (legislative and statewide executive candidates).

10. Signature and Certification. I certify that this statement is true and correct to the best of my knowledge.
Committee Treasurer's Signature

6/22

Need campaign finance forms and instructions?

Please check one of the following boxes.

- ☐ I already have forms and instructions
☐ I will get forms and instructions from my county elections office

☒ I went the Public Disclosure Commission to
mail me the proper forms and instructions.

Distribution of This Report:

ORIGINAL - Public Disclosure

COPY - County Elections Office

COPY - Your own records

SEE INSTRUCTIONS ON

CB 6/24/04

DATE FILED

JUN 2